

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

TOYO TIRE AND RUBBER CO., LTD., et al., )

Plaintiff(s), )

vs. )

TOYAMA TYRE CORP., LTD., )

Defendant(s). )

2:13-cv-02062-GMN-NJK

**ORDER**

This matter is before the court on Defendants' Restated Emergency Motion to Withdraw as Counsel for Defendants Toyama Tyre Corp., LTD., Toyama Tyre Corp., LTD., and Hong Kong Toyama Tyre Int'l, LTD. (Docket No. 21) filed December 27, 2013. This motion was originally filed on December 23, 2013, and was denied on December 26, 2013, for failing to include Defendants' last known address. (*See* Docket No. 20).

The law firm of Cotton, Driggs, Walch, Holley, Woloson & Thompson, and the New York-based law firm of Cowan, Liebowitz & Latman P.C., seek to withdraw as counsel of record in Defendants' Restated Emergency Motion to Withdraw as Counsel for Defendants Toyama Tyre Corp., LTD., Toyama Tyre Corp., LTD., and Hong Kong Toyama Tyre Int'l, LTD. The Motion represents that Defendants have elected not to engage either law firm to defend this action, neither law firm has received authorization from Defendants to file any of the ordered pleadings or briefs and, additionally, Defendants have not provided either law firm with written financial assurances that they want counsel to continue serving in this action.

Local Rule IA 10-6 provides that “no withdrawal . . . shall be approved if delay of discovery, the trial or any hearing in the case would result.” The Complaint in this action was filed on November 8, 2013 and the answer was due December 18, 2013. To date, no answer has been filed. Therefore, discovery has not commenced. Further, no hearing is scheduled. Any delay this case may experience cannot be attributed to the request for withdrawal as it appears the law firm of Cotton, Driggs, Walch, Holley, Woloson & Thompson, and the New York-based law firm of Cowan, Liebowitz & Latman P.C. were never appropriately counsel on this matter.

Having reviewed and considered the matter, and for good cause shown,

**IT IS ORDERED:**

1. Defendants’ Restated Emergency Motion to Withdraw as Counsel for Defendants Toyama Tyre Corp., LTD., Toyama Tyre Corp., LTD., and Hong Kong Toyama Tyre Int’l, LTD. (Docket No. 21) is GRANTED.
2. A corporation cannot appear except through counsel. *Rowland v. California Men’s Colony*, 506 U.S. 194, 201-02 (1993); *U.S. v. High Country Broadcasting Co., Inc.*, 3 F.3d 1244, 1245 (9th Cir. 1993). Therefore, Defendants Toyama Tyre Corp., LTD., Toyama Tyre Corp., LTD., and Hong Kong Toyama Tyre Int’l, LTD., shall have until **January 30, 2014**, to retain new counsel, who shall file a notice of appearance in accordance with the Local Rules of Practice.
3. Failure to comply with this order may result in a recommendation to the District Judge for sanctions, including case-dispositive sanctions.
4. Withdrawing Counsel shall serve a copy of this Order on Defendants Toyama Tyre Corp., LTD., Toyama Tyre Corp., LTD., and Hong Kong Toyama Tyre Int’l, LTD., no later than **January 6, 2014**, and file proof of service with the Court no later than **January 7, 2014**.

...

...

...

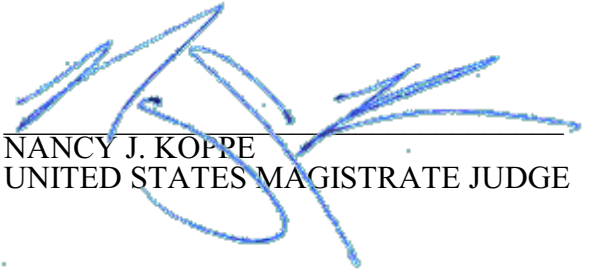
...

5. The Clerk of Court shall serve a copy of this Order on Defendants Toyama Tyre Corp., LTD., Toyama Tyre Corp., LTD., and Hong Kong Toyama Tyre Int'l, LTD. at:

Toyama Tyre Corp., LTD.,  
5F, Itabashi-ku 2-4-14  
Sakashita, Tokyo, Japan 174-0043  
81-3-38353058

Toyama Tyre Corp., LTD., and Hong Kong Toyama Tyre Int'l, LTD.  
Unit 1005, Tower B  
Huirong International Building No. 106  
Lianchuachi East Road  
Xuanwu District  
Beijing 100055 China  
86-10-63972436

Dated: December 30, 2013.



NANCY J. KOPPE  
UNITED STATES MAGISTRATE JUDGE